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January 9, 1995

Via Courier

Mr. William Caton
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20054

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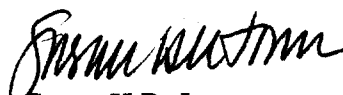
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

**Re: Comments Submitted in CC Docket No. 94-102; In the Matter of
Revision of Commission's Rules to Ensure Compatibility With 911
Emergency Calling Systems**

Dear Mr. Caton:

Transmitted herewith, on behalf of E.J. Johnson Co., are Comments in the above-reference proceeding. If any questions should arise related to this pleading, please contact Russell Fox of this office, or the undersigned counsel.

Sincerely,


Susan H.R. Jones

Enclosure

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COMMENTS OF E.F. JOHNSON COMPANY

I. INTRODUCTION

¹ Notice of Proposed Rule Making, CC Docket No. 94-102, FCC 94-237 (released October 19, 1994).

market in the late 1940's and is one of the three largest providers of land mobile radio systems in the United States. It produces base stations and vehicular-mounted and portable transceivers that operate in various portions of the radio spectrum and which are used by a variety of entities requiring communications capabilities. The Company manufactures products for the 800 MHz, 900 MHz and 220 MHz frequency bands, among others. Newly reclassified commercial mobile radio service ("CMRS") operators, as mobile communications service providers, will operate in these bands and in spectrum now used by licensees in the Business Radio Service, for which the Company also manufactures and distributes products.

In this Notice the Commission proposes to require that mobile radio transmitters supplied to CMRS customers provide the same level of access to 911 emergency services as is available to the wireline customer. Such a proposal, if adopted, will impose significant burdens upon the Company as a manufacturer of wireless base stations and mobile units. Moreover, the Company supports a network of over 600 dealers nationwide, many of whom either currently or will offer CMRS services. Accordingly, E.F. Johnson welcomes this opportunity to participate in this proceeding.

II. COMMENTS

A. No New 911 Compatibility Requirements Should Be Applied To Existing Wireless Communications Equipment ; The Commission Should Adopt Grandfathering Allowances for Existing Equipment.

In the NPRM, the Commission proposes a series of rule changes that, if adopted, would require manufacturers of some wireless communications equipment to adapt existing equipment design and operational parameters to implement general performance criteria that would permit a wireless caller's free access to 911 emergency services and enhanced 911 services. To provide

enhanced 911 service to wireless customers, a mobile communications system would require significant equipment design modifications to ensure that the mobile station, base station and interconnection point were all functionally capable of admitting and translating the information necessary to inform the Public Safety Answering Point (“PSAP”) of the number, location and call-back capability of the caller in distress.

In light of the significant design and operational modifications that would be required to implement 911 service compatibility, E.F. Johnson strongly urges the Commission to incorporate a “grandfathering” provision into any new rules imposing 911 standards and compatibility for wireless products. The Company proposes that the Commission adopt a permanent exemption for all 911 emergency service compatibility for all existing equipment. As a practical matter, the Company suggests that imposing new operational requirements on equipment already in the marketplace would be a logistical hardship to both manufacturers and customers. Recalling equipment currently in use would be both costly and disruptive to on-going communications services. Accordingly, E.F. Johnson strongly urges the Commission to adopt provisions that would permit the continued operation of wireless equipment manufactured prior to the Commission’s adoption of a Report and Order in this proceeding, without any requirement of 911 emergency service compatibility.

In paragraph 55 of the NPRM, the Commission proposes that, to allow for transition from non-conforming equipment to equipment that is 911 accessible, manufacturers should, within thirty (30) days of the adoption of a Report and Order in this proceeding, label such non-conforming with a notice warning customers that such equipment will not provide access to 911 emergency services. The Company supports the adoption of such a measure, in addition to

specific provisions “grandfathering” existing equipment. The Company, however, proposes that the adoption of the labeling requirement be specifically drawn to include and identify responsibility for labeling once the equipment is beyond the control of the manufacturer, *e.g.* once it has been shipped to a distributor. The Company thus proposes that requirements for labeling equipment that does not provide access to 911 emergency or enhanced services be imposed upon the party who controls the equipment.

B. 911 Compatibility Requirements Should Not Be Imposed on “Local” SMR Operators.

In paragraph 38 of the NPRM, the Commission inquires, as a threshold matter, as to which categories of mobile radio services 911 compatibility should apply. As the Company has argued in other proceedings which have reviewed new regulatory and operational requirements for commercial mobile radio service (“CMRS”) providers, certain classes of CMRS providers previously regulated under Part 90 of the Commission’s Rules should be subject to different, or reduced, obligations from other CMRS licensees.² Specifically, E.F. Johnson has urged the Commission to exempt from the more onerous or burdensome requirements for CMRS operators, “local” specialized mobile radio (“SMR”) operators.³ In this proceeding, the Company urges the Commission to refrain from adopting 911 emergency compatibility requirements for smaller, local SMR service providers.

In other proceedings, the Commission proposed to adopt different degrees of regulatory requirements for CMRS providers based upon an analysis of the varying market power of difference services within the wireless industry.⁴ E.F. Johnson has supported this approach, and

² See Comments of E.F. Johnson Company in Docket No. 94-33, submitted June 27, 1994; Comments by E.F. Johnson Company in Docket No.94-54, submitted on September 12, 1994.

³ E.F. Johnson defines “local” SMR systems as 220 MHz systems, non wide-area 800 MHz and 900 MHz systems, Business Radio Service licensees, and conventional “GX” stations.

⁴ [cite]

has proposed as a guideline that “local” two-way radio operators lack market power when compared with frequency reuse, mobile telephone-like systems offered by cellular licensees or wide-area SMR operators. Typically, “local” operators have only a few channels with an area of operation defined by their transmitter site.

The scale and scope of such “local” radio operators is smaller than the scale and scope of broadband wireless communications providers and thus, the costs of providing 911 emergency compatibility would be a far greater burden to a “local” operator and less easily absorbed into the operational costs. The costs associated with implementing 911 emergency compatible equipment for a smaller operator, for example, might drive the cost for basic communications service prohibitively high.

In addition, the consumer market for the small or “local” SMR operator is significantly different than the market for broadband CMRS systems. A “local” SMR operator is likely to serve businesses with two-way radio and dispatch needs, even though interconnection to the public switched network is permitted through this type of smaller system. Broadband wireless systems, in contrast, clearly target the individual consumer as a potential customer. This user views the cellular telephone and other forms of broadband wireless services as a mobile extension of the wireline telephone service. In view of this disparity between the type of services provided and the customer’s expectations regarding that service, the Commission’s expectation that “[w]ireless customers clearly expect access to 911 services, and may be unaware that their mobile radio services do not provide . . . [the same 911 services] as the wireline network.” is not entirely relevant to *all* wireless customers.⁵ Accordingly, the Company

⁵ NPRM, paragraph 37.

proposes that the Commission adopt an appropriate exemption from 911 compatibility requirements for small, “local” SMR systems.

C. Private Telecommunications Systems Which Serve Internal Communications Needs Do Not Serve the Public and Therefore Should Not Be Subject to 911 Compatibility Requirements.

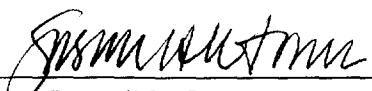
In paragraph 38 of the NPRM, the Commission acknowledges that private mobile radio services, “which may not be available to public or interconnected with the public switched network” are *not* included by its proposals to require 911 compatibility. The Company strongly supports this exclusion in this proceeding, and urges the Commission to specifically exclude from this proceeding, private, internal communications systems, such as those used within a company for industrial, transportation, or general business needs. These types of telecommunications systems clearly do not serve the public, are not available to public for use, and thus imply no expectation by the user that 911 compatibility similar to wireline telephone will, or should, be available.

III. CONCLUSION

E.F. Johnson Company generally supports the Commission’s efforts to ensure that customers of wireless telecommunications equipment receive the same level of access to 911 emergency services as a wireline caller. However, the Company urges the Commission to adopt a “grandfathering” provision which will exclude existing equipment from 911 compatibility requirements. In addition, the Company requests that the Commission exclude “local” SMR operators from 911 compatibility requirements. Finally, E.F. Johnson supports the Commission’s proposal to exclude private mobile radio services, such as internal transportation and industrial telecommunications systems, from 911 compatibility requirements.

WHEREFORE, THE PREMISES CONSIDERED, E.F.Johnson Company submits these Comments and urges the Commission to proceed in a manner consistent with the views expressed herein.

Respectfully submitted,

By: 
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Its Attorneys

Dated: January 9th, 1994